

E. J. Bridges Apr. 15. 1760
ANTIPHONAST,
p. a. b. of Queen's College Cambridge
OR A

DEFENCE

OF THE

Minister

PENSHERST,

In a Case between him and
the Earl of Leicester in
Michaelmas Term

1657.

LONDON,

Printed by T. R. for the Au-
thor, 1668.

WITNESSETH

OR

DEFENCE

OF THE

Minister



PERMANENT

In a Case between him and

the Earl of Arundel

and the Earl of Arundel

1657

LONDON,

Printed by T. R. for the Author,

1660.

OR A
DEFENCE

OF THE
Minister of Pensberst
in a case between
him and the Earl
of Leicester in Michael-
mas Term, 1657.

THE Minister of
Pensberst being se-
led in this Recto-
ry by the Authori-
ty of the Committee of Par-
liament, April 5. 1650. en-

deavoured in much faithfulness
 a holy Reformation there, that he
 might prepare a people for the Lord;
 in which work he found no encouragement
 from the Earl of *Leycester*, but was put to
 much grief of heart by the Earls
 opposition: who began a quarrel upon
 the Ministers denial of letting his
 Lordship the *Oleab* land,
 (as some the *Abak* fell out
 with *Naboth* about the Vineyard)
 taking occasion thereupon many
 wayes to oppress him and his afflicted
 family. The Lord giving the Minister
 patience to bear much hard usage,
 he made many Christian private
 Addresses to his Lordship to give
 his Lordship a right understanding
 of the wayes of

of

of God he proceeded on his
afflictions, and likewise
encouraging him to be sensible
of his many great sufferings
but no redress being given,
and the cause of God suffer-
ing much by his Lordships
contentts, and doing year af-
ter year worse and worse, the
Minister was pained in con-
science, at length to apply
the Word of God against the
Earl by name for many pub-
lick offences in the publick
congregation, praying also
for him that God would re-
duce him from the evil of
his wayes, whereby he had
offended him and his chosen
ones. This the Minister did
upon conscience of duty, re-
specting that of Saint Paul,
Those that sin reprove before Tim. 3.
all, that others may fear. And

A. 4.

that

deavoured in much faithfulness a holy Reformation there, that he might prepare a people for the Lord; in which work he found no encouragement from the Earl of *Leycester*, but was put to much grief of heart by the Earls opposition: who began a quarrel upon the Ministers denial of letting his Lordship the *Gleab* land, (as sometime *Ahab* fell out with *Naboth* about the Vineyard) taking occasion thereupon many wayes to oppress him and his afflicted family. The Lord giving the Minister patience to bear much hard usage, he made many Christian private Addresses to his Lordship to give his Lordship a right understanding of the wayes of

of God he proceeded in his
afflictions, and likewise
encouraging him to be sensible
of his many great sufferings
but no redress being given,
and the cause of God suffer-
ing much by his Lordships
contests, and doing year af-
ter year worse and worse, the
Minister was pained in con-
science, at length to apply
the Word of God against the
Earl by name for many pub-
lick offences in the publick
congregation, praying also
for him that God would re-
duce him from the evil of
his wayes, whereby he had
offended him and his chosen
ones. This the Minister did
upon conscience of duty, re-
specting that of Saint Paul,
Those that sin reprove before 1 Tim. 5.
all, that others may fear. And

(4)
wholeſome pious rule of ho-
ly Auguſtine, *Si quid vitii
in amico deprehenderit* (ſaith
that Father) *corripe occulte,*
ſi te non audierit, corripe pa-
lani, ſunt enim bona correpti-
ones. & plerumque meliores
quam tacita amicitia: & ſi
ſediſe putet amicus, tu tamen
corripe; tollerabilia enim
ſunt amici vulnera quam adu-
lantium oſcula. If thou find
(ſaith that Father) any fault
in thy friend, blame him ſe-
cretly, if he will not hear
thee, blame him openly;
for reproofes are good, and
for the moſt part better
then friendship that holds its
peace; If thy friend com-
plains thou wrongeſt him,
yet notwithstanding reprove
him ſtill, for more tolera-
ble are the wounds of a
friend.

(5)
friend then the kisses of a
flatterer.

Indeed it fell out so, according to that word the Earl thinks himself wronged in his honour by the Minister, who by a christian admonition endeavoured to repair it; for what could make more truly for his honour then to turn him from sin to God, and to wash away that stain which was a blot, no badge of honour. The Earl therefore commences a suit against the Minister, and being subtile in Law-suits surprises the Minister at a time when he expected no trouble, and easily runs him down because he made little or no resistance, but commended himself to him that judgeth righteously, the Lord know-

A 5 ing

ing both his work, and the integrity of his heart therein.

The words the Earl lay to the Ministers charge, were these, that he should say of the said Earl, *That he was a wicked man, a cruel Oppressor, and an enemy to Reformation.*

If the Minist. had spoke these very words, might he not sufficiently have proved the crime? let us scan the words, *A cruel Oppressor*; does his Lordship call these a horrid scandal, let it be a scandal worthy to be punished by the Judges, and let my Lord for ever be guiltless of so horrid a crime; but what then doth he say for himself for keeping back the Ministers dues more or less from

from year to year for eight years together? For a year or two his Lordship allows a small part for tithes, for other years nothing; if tithes were not the Ministers right, why did his Lordship pay any? if they were his right, why did he not pay all? Is it not oppression to withhold *1 xli. per an.* for eight or ten years together from a Minister.

Again, Is it not oppression to plant a Warren next to a Ministers Gleab-land, and fence it on every side but where it lies to the gleab, whereby the Minister was damaged for eight years together by the gain of his Lordships Warren *10* ten pound a year without any satisfaction or compensation.

tion. This was the way indeed to have the Vineyard when it was denyed, and rent free too.

Again, Was it not oppression to seize upon part of the Ministers Gleab, to dig up and carry away trees from the Gleab at his Lordships pleasure, contrary to all right and common justice, to arrest the Minister and his servants causlessly (unless it were because the Minister had too much patience, and would not be provoked to begin Law with the Oppressor) to vex, and worrie, and disquiet him in the work of the Ministry. If the common Law of *England* (alas too much corrupted) will not account this Oppression, will not God declare against

against it as horrible oppression and violence? yea, and will not all good mens consciences condemn and detest it, if the like were done to themselves? What is this mans conscience made of, if it sleep and acquit him as righteous after all this?

And for an enemy to Reformation.

If the Earl of *Leycester* were not an enemy to the good work of Reformation endeavoured by the Minister, why drew he off, seeing that our Lord Christ declares, *That he that is not for him, is against him?* and why were those that shunned the purifying of Gods ordinances

dinances admitted to the
 Table of the Lord so freely
 at his Lordships chappel?
 if his Lordship had to object
 against the way of the Gos-
 pel offered to the Church
 by the Minister in writing,
 why did he not disprove it?
 if his mouth was stopped,
 was he not then an enemy to
 that holy Reformation
 which he discouraged? yea,
 was not he an enemy to
 Reformation that lent a Co-
 py of the Ministers way and
 discipline to his Lawyers to
 see if their subtilty could pick
 out a Premunire of it?
 Will not the stones and the
 timber cry out of the wall
 and witness against such re-
 pugnancy and enmity to
 Christ and the precious un-
 blamable way of Gospel
 worship?

worship? if these things do not evidence the crime which are but lightly touched, worse then these if God please to give time for inquiry may be made to appear, before the great day of the Lord come when he must look to be discovered before the world. But the Minister because he applyed the word of God in the Congregation against the Earls sin in other expressions, not these, therefore he pleaded not guilty; but the Earl having got witness, and a Jury after his heart at *Lent Assizes 1656. in Kent*, Verdict was given for the Plaintiff, 500 li. damages: See yet more cruelty, cruel man, and yet more cruel Law! why? what did the words

words deserve that a Jury of men should give such damages upon them? The Lord chief Justice *Glyn* professed upon the Bench they were not so much as actionable at Common Law, and so not worth two pence, and must they be judged at 500 l. that were not worth two pence? In Queen *Marie's* days the Statute allowed but 100 li. upon those that had spoken horrid forgeries and scandals against the King or Queen, and is 500 li. given for words against the Earl of *Leycester*, shall I say not scandalous? to the quick subversion of an innocent Minister and family indeed, but who would judge those words (of no publick concernment) to amount

mount to the quick sub-
 version of the Realm, as
 the Earl pretends in his de-
 claration? see how sin grows
 till it be fully ripe; from
 Enmity to open contests,
 from open contests to open
 blood-shed, and devouring
 of Gods innocent people, as
 the Prophet *Micah* observes,
Ye heads of Jacob and Peers Mic. 3. 1, 2,
 of the house of Israel, is it not
 for you to know judge-
 ment? who hate the good, and
 love the evil, who pluck off
 their skin from off them, and
 their flesh from off their bones,
 who so eat the flesh of my peo-
 ple, and flay the skin from off
 them, and they break their
 bones, and chop them in pieces
 as for the pot, and as flesh
 within the Caldron, as if rage
 could never be satisfied.

Or

On the 14th day of the month of
 the year 1601, the said
 the said

The just God saw all this,
 and records it against a day
 of vengeance, and says, woe.
 Then shall they cry unto the
 Lord, but he will not hear
 them: he will even hide his
 face from them at that time,
 as they have behaved them-
 selves ill in their doings.

When the case was por-
 tered before the Judges of
 the Upper Bench for an Ar-
 rest of Judgement, the two
 Judges were divided upon
 the case, one for the Plan-
 tiffe, the others for the
 Defendant: so that there
 was an Arrest for two terms.
 then at length is Justice
 Newdigate put upon the
 bench

bench, and the scales were
 turned, but the Judges ha-
 ving petused the cause, and
 seeing in their consciences
 the grievousness of it, sent
 three messages to the Earl
 to stop him from taking out
 Execution, or molesting the
 Minister upon the case: ne-
 vertheless the Earl that
 drove on so furiously hither-
 to, could not be persuaded by
 the Judges to stop his course,
 but took out execution upon
 Execution, three Writs of
Fieri facias within the space
 of one year, and another
 Writ in the year following,
 seizing at several times the
 Ministers Corn, and Kine,
 and Horses, Wood, Hay,
 Waggon, Bed and Bedding
 from under him and his
 Children, and servants, and
 all

all the household furniture
 he could light on, even to
 the poultry about the house,
 and things of the smallest
 consequence that could adde
 a groat to the Inventory, and
 that in the bitterest time of
 Winter, and yet all this is
 done by the Earl who would
 not be accounted cruel. This
 was an hour of darknes, but
 yet the Lord ordered it with
 such unexpected unleen, and
 admirable recompence of
 his love, as that though we
 walked in darknes, and saw
 no light of relief, yet we
 could trust in the name of
 the Lord, and stay upon our
 God. We are troubled on
 every side, yet not distressed,
 we are perplexed, but not in
 despair, persecuted, but not
 forsaken, cast down, but
 not

not destroyed, alwayes bearing about in the body the dying of the Lord Jesus, that the Life also of Jesus might be made manifest in our body, for we which live are alwayes delivered unto death for Jesus sake, that the life also of Jesus might be made manifest in our mortal flesh.

This was the first case wherein the Peerage enjoyed their priviledges after the act of the Commonwealth which took away the house of Peers; and must this be the first case whereupon those priviledges are built again that were in so many Presidents laid aside? Must a Minister for reproveing of sin, and his whole family also, be plundered and destroyed

destroyed to bear up the un-
supportable burthen of this
unprofitable greatness; there
was cruelty enough before
without Law, and must there
be much more mischief
framed by a Law? For ever
let the Plaintiff be acquitted,
and his cruelty not made
mention of in regard of the
transcendent cruelty of such
Law. O ye Courts of Ju-
stice, ye Thrones of them
that are called Gods, is this
to do like God? God saith,
Relieve the oppressed, yee
the Fatherless, yee the
widow, and do you crush
the oppressed, condemn and
destroy the innocent & out-
vie in cruelty the man that is
blamed before you for
cruelty.
Ye sit upon whose ac-
count

count God will for their da-
mages, how could you think
in your consciences, good li-
a just proportion for words
for words, nor so much as ac-
tionable in the opinion of
the Judges, would you think
it just that others should
meet the same measure to, you
again, when you took upon
your Verdict, and hear what
has been done upon a spoli-
ed Family, and not say, we
are verily more guilty than
the cruel Oppressor.

Ye Honourable Judges,
protectors & Patrons of the
afflicted, who should have
been assisted in the afflic-
tions of Joseph, and as Jonah
have rescued him, you that
could but imagine any cru-
elty under a title of Honor,
for what dost you, messengers
here // would

would be of less acceptance
and power with the Plan-
tiffe then your sentence
have not you cause also to
say, as Joseph brethren
Verily we are guilty con-
cerning our brother in that
we saw the Anguish of his
soul, when he besought us,
and we would not hear.

The Lord, give you to
know, and to have true re-
morse for what you have
done, that it may not be laid
to your charge in the great
day of the Lord.

You had little reason for
what you have done, let us
come close to the matter,
and prove it, that you had no
Law neither.

I shall reason it logically
and plainly thus;

That Judgement is unjust
where

where there is no Law to warrant it,

But this Judgement hath no Law to warrant it,

Ergo, This Judgement is unjust:

If there were any Law transgressed that could give occasion for such a Judgement, then it must be either the Common Law or Statute Law (for no other Law is pretended to by the Plaintiff) but neither of these is transgressed, therefore there is no Law transgressed to ground the judgement upon, and so it must be confessed to be unjust.

The Common Law can be no ground for this judgement, for it was yielded by the Judges (the Lord Chief Justice *Gibbs* acknowledging

it in open Court) that the words alledged would not bear action at Common Law.

If the Statute Law be transgressed (which were most absurd to say, that words which by the Common Law are not actionable, should be counted by the Statute Law to be horrible forgeries; subverting the Common-wealth; by common Law not worth a farthing, and by Statute Law set up to 500 li.) but I say, if any Statute of this Nation be violated, the honourable Plantiffe ought to have mentioned it, and concluded his Declaration *Sub forma Statuti*; but the Plantiffe doth not mention any Statute Law transgressed, and

hereupon the Judges of the Upper Bench were divided in their opinions: Judge Warborton judging the Declaration void upon this default, though the Lord chief Justice Glin allowed it.

But let this fault pass, and let it be supposed that the Action be intended upon the Statute of *Richard* the second: we shall through Gods help prove that the words alledged by the honourable Plaintiff cannot be concluded within that Statute, and therefore there is no Law to warrant it.

and great men of the
 Realm, and also of the
 Chancellor, Treasurer,
 Clerk of the Privy Seal,
 Steward of the Kings house,
 Justices



The Statute runnes
thus.

Anno secundo Rich.
secundi, Cap. 5.

FOR Devisors of false
News, and of horri-
ble and false lyes, of Pre-
lates, Dukes, Earls, Ba-
rons, and other Nobles,
and great men of the
Realm, and also of the
Chancellour & Treasurer,
Clark of the privy seal,
Steward of the Kings house,
Justice

Justice of the one Bench,
 or of the other, and of o-
 ther great Officers of the
 Realm; of things which by
 the said Prelates, Lords,
 Nobles and Officers afore-
 said were never spoken, done
 nor thought, in great slander
 of the said Prelates, Lords
 and Officers, whereby De-
 bates and Disturbs might
 arise between the said Lord,
 or between the Lords and
 Commons, (which God for-
 bid) and whereof great pe-
 ril and mischief might come
 to all the Realm, and quick
 subversion and destruction
 of the said Realm, if due
 remedy be not provided.

It is straitly defended

It is greatly desired
remedy be not provided.
of the said Realm if any
Intercession and destruction
all the Realm, and quick
vil and unchristianlike con-
der

Now the Argument we draw to prove that this Statute cannot warrant the judgement, bears three parts, first to prove that the words are not concluded *Sub Subjecto Statuti*, within the Subject of that Statute.

Secondly, That the words are not concluded *Sub materia Statuti*, within the matter of the Statute.

Thirdly, That the words are not concluded *Sub fine Statuti*, within the End of the Statute.

That we may not carrie forth this dispute into a volume, we shall insist only upon the first of these, That the words are not comprehended within the Subject of that Statute, and contract all into five Arguments: B4 Its

Its proved thus, if the honourable Plantiffe be not a person comprehended under the *Subject* of that Statute, then are not the words comprehended under the *Subject* of that Statute: now that the Plantiffe is not a person comprehended under the *Subject* of that Statute, I crave leave to argue thus,

If he be not qualified as the Statute supposes, then is not he a person comprehended under the *Subject* of that Statute: here therefore is the main point, Whether the Earl be qualified, so as that Statute doth suppose to make him *Subjeſtum capax*, a *Subject* capable of the privilege of that Statute; for if he be not, he cannot have a privilege by this Statute: Let

Let us therefore fairly debate the point, and we reason thus ;

The persons specified in the Statute are Barons of the Realm, as the first words import, *Barons, Nobles, and great men of the Realm* : Now those that were Barons of the Realm, were not titular Barons, but Parliamentary Barons.

But the Earl of *Leycester* is no such Parliamentary Baron, as the Act of the Commonwealth for abolishing the house of Lords intimates ; therefore by what right can his Lordship claim the privilege of this Statute ?

B §

The



The Act for abolishing the House of Peers.

THe Commons of England assembled in Parliament, finding by too long experience, that the House of Lords is useless and dangerous to the people of England to be continued, have thought fit to ordain and enact; and be it ordained and enacted by this present Parliament, and by the Authority of the same

same, that from hence forth
 the House of Lords in Par-
 liament, shall be, and is
 hereby wholly abolished, and
 taken away. And that the
 Lords shall not from hence
 forth meet or sit in the said
 house, called the Lords
 house, or in any other house
 or place whatsoever, as a
 house of Lords, nor shall sit,
 vote, advice, adjudge, or
 determine of any matter or
 thing whatsoever as a
 house of Lords in Parlia-
 ment.

Nevertheless it is here-
 by declared, that neither
 such Lords as have de-
 meaned themselves with
 Honour,

Honour, Courage and Fidelity to the Common-wealth, nor their Posterities who shall continue so, shall be excluded from the Publicke Councells of the Nation, but shall be admitted herunto, and have their free vote in Parliament if they shall be thereunto elected as other Persons of interest, elected and qualified thereunto, ought to have. And be it further ordained and enacted by the authority aforesaid, that no Peer of this Land, not being elected, qualified and sitting in Parliament as aforesaid, shall claim have or make use of any priviledges of Parliament

(33)

either in relation to his per-
son, quality, or Estate, any
Law, usage or custome to the
contrary notwithstanding:

Die Lunx 19. Martii

1 6 4 8.

IF

If any will be so perverse and so much opposite to sense, as to say, the Earl may claim the privilege of this Statute, though he have nothing but an empty Title (if any such be left him whose Creation stands not in a Title, but in a work and capacity to serve the State) against this we shall argue from the verie original Creation of Parliamentary Barons, which it recorded thus,

Henry the third out of the multitude of those Barons that were in his time, whereof some were seditious, chose out a certain number of good men, and by Writ called them to Parliamentary Councils :
This

This Rule *Edward* the first and his Successors kept to, and thereupon they alone were accounted *Barones regni* or Barons of the Realm. Afterwards *Richard* the second, and some Kings after him created Barons by their patent and putting on of Robes, and both these forms were in use whiles that order and constitution held, and those that are thus created Barons, are called *Barones Parliamenti* or *Barones Regni*, to difference them from others that were only nominal or titular Barons.

These Parliamentary Barons had not only a meer Title or name, but were all of them by birth Peers of the Realm, *Et Consiliarii nati*, and were created by

by the Kings Writ *Ad tri-*
bandum de arduis regni ne-
gotiis & consilium de iis im-
pendendum. Now to these
 belonged the priviledge to
 be judged by their Peers, to
 judge upon their Faith and
 honour, not upon oath to
 be beheaded for crimes de-
 serving death, to be free
 from Arrests and the pri-
 viledge granted by the Sta-
 tute of *Richard* the second,
 Now hence the Argu-
 ment holds firm; that if
 not ritulary Barons but Par-
 liamentary Barons only, ac-
 cording to the first constitu-
 tion were honoured with
 these Priviledges, when any
 Baron ceases to be Parlia-
 mentary, his privildges must
 cease.

To say therefore that
 meerly

merely *titular* Barons are capable of this privilege, were to say, that *Henry* the third when he instituted this Order of *Parliamentary Barons*, in contradistinction to other Barons gave both alike privileges, and so as amply honoured the seditious as the most trusty and faithfull, which were the greatest absurdity that could be imposed; a thing contrary to the Rules and grounds of true honour.

The second Argument to prove that the Earl is not a Subject qualified, as that Statute imports, may be offered from well grounded reason; thus,

When the ground of a
Privi-

Priviledge is taken away, needs must it be conceived the priviledge it self is there-with taken away; but the ground of this priviledge is taken away, *Ergo*.

For the minor proposition: The priviledge conferred by Statute upon Nobles, Barons and Peers above ordinary sort of men, must needs have its ground in that high capacity and native right the Nobles were invested with to serve the Common-wealth in more eminent manner then ordinary men; and to evince this, that this was indeed the ground of that priviledge, therefore great Officers of State about the King, who were no Peers, yet of great usefulness, are priviledged also by this Statute as well

well as Lords and Nobles of the Land; it being thought meet that men of eminent service above other men should be endowed with priviledges above the common sort of men: but now this ground falls upon the abolishing the house of Lords, their high capacity for publick service being taken away, how can it be therefore but the priviledge also must fall with it?

Shall my Lord the Plaintiff be in a capacity by a priviledge to undo his poor neighbours, and not in a capacity to preserve them? or can it be imagined that the Parliament have took away from Peerage its chief power and capacity to do good, and left nothing but

a power to do hurt, a sting to wound, but no balm to heal? God forbid: till then the plantiffe be re-instared in such a capacity for publick high service, as is meet to be a ground for so high a priviledge, let him forbear to assume it, for I think no man will see reason for it.

Can there be heat in a Chimny when the fire is put out? or water in the Channel when the fountain is dried up; or light in the horizon, when the Sun is gone down? or a house remain standing when the foundation is took away? no more can a priviledge remain when the reason or ground thereof is abolished.

The third Argument, *A*
causa finalis, from the final
 cause or end specified in
 the Statute, whereupon
 this priviledge was given
 the Nobles, I reason thus,
 If the end or final cause for
 which this priviledge was
 granted the Peers be fru-
 strated, the priviledge must
 be also frustrated, but the
 end for which this privi-
 ledge was granted, the Peers
 seems to be frustrated;
Erge, this priviledge it self
 must fall, and be frustrated
 also. Let us then examine
 the end wherefore this pri-
 viledge was given the No-
 bles, and 'tis exprest plainly
 in the Statute, *To prevent*
disturbance and quick sub-
version of the Common-wealth,
Scandals of a high nature,
 and

and horrible forgeries that
 tend *Per se* to make Divisions
 between Nobles, being laid
 upon any one of the Nobles
 of the Realm, it was thought
 thereby the whole Com-
 mon-wealth might quickly
 be disturbed and distracted;
 and therefore such an Of-
 fence was to be severely
 punished.

Its true indeed, as *Ari-
 stotle* observes, it fell out
 in *Syracuse* contests between
 two chief Magistrates, there
 endangered the ruine of
 the whole Common-
 wealth: and so it was sup-
 posed by this Statute, that
 contests between the No-
 bles and persons in great
 office, might haply en-
 danger the Common-
 wealth by civil wars, and
 there-

therefore to prevent such differences apt to be fomented by false reports, carried to and fro to incense the spirits of great men one against the other: therefore I say was this Statute made.

But now that the house of Lords is abolished, and the Peers cease to be chief Senators and Officers of State, and have no such publick trust as then, the danger is not now as then; and therefore no ground for the priviledge to be now as then.

The fourth Argument from want of Presidents in the case.

Was there ever any common

mon-wealth, or any age of the world wherein men of great Titles, and little or no use in publick administrations enjoyed, such a priviledge as this is above those that in vertue, wealth and serviceableness to the State, do far exceed them.

Or is there any one president upon English Records, since the Act of the Common-wealth, for abolishing the house of Lords, to prove that any one of the Nobles had their priviledges allowed them before this case? The Lord *Arundel*, Lord *Shandois*, and others it seems had not their priviledge (though desired) granted them, and what reason that the Earl of *Leycester* only should have his

his priviledge granted him? If the old priviledges belong to all Peers, why were they not granted others? If they belong to none, why are they given the Earl of *Leycester*? Surely either other of the Nobles, have had much wrong, or this man hath more then his right.

The fifth Argument, to prove that one that ceases to be a Parliamentary Baron, is no meer subject for the priviledge which the Statute of *Richard* the second allows, may be drawn from the Act of the Commonwealth in this manner.

C

The

THE giving Priviledges to the Peers by sitting in Parliament, argues they had not them before upon account of their Title; for what need hath a man to have that given him, which he hath already of his own? Or what priviledges doth the Act give the Lords by sitting in Parliament, if they had better without sitting?

Now by the Act of *March 19. 1648.* it is granted that Peers qualified and elected to sit in Parlia-

Parliament, shall have
the privileges of Par-
liament, both to their
*Person, Quality, and Es-
tate, and not otherwise.*

What are those pri-
vileges? If the ordi-
nary privileges of Par-
liament, then they had
no more privilege than
the rest of the Com-
mons of England; if
they were extraordinary
privileges belonging to
them as Lords, it ar-
gues then they had them
not without this grant,
upon the score of their
dignity and Title, which
is as much as we expect.

to have granted us, and then it must needs follow, that their priviledges are groundd upon a parliamentary capacity, and not upon a meer Title.

In the last words therefore of the Act this is clearly exprest, *That no Peer of this land not being elected, qualified, and sitting in Parliament, shall claim, have or make use of any priviledge of Parliament, either in relation to his person, quality or Estate, any Law, Usage or custome to the con-*

contrary notwithstanding

The Objections were
so frivolous, that were
made in this case, that
men even of ordinary
capacity and reason
would smother them all
flight, and too light to
weigh a grain in the
scales that Justice holds
in her hands, and I
purposely omit them
as not worthy to trou-
ble the READER far-
ther.

As likewise I wave o-
ther Arguments copi-
ous and strong, upon
the *Subject*, and upon
C 3 the

the matter, and upon the
 end of the Statute of Ric.
 the second, to prove
 that these pretended
 words, (if they had
 been spoken) yet could
 not be comprehended
 under that Statute.

These

But these perhaps will be thought clear and sufficient enough to convince that this Judgment was unjustly given, and cruelly executed; which I leave to the Lord to redress in his time, beseeching him of his wondrous grace to give us all joy and patience in suffering.

FINIS